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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

**Eligibility for the Specialized  
Mobile Radio Services  
and Radio Services in the  
220-222 MHz Land Mobile Band  
and Use of Radio Dispatch  
Communications**

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) GN Docket No. 94-90  
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**MOTION FOR EXTENSION OF TIME**

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.**

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September 6, 1994

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The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association"), in accordance with Section 1.46 of the Federal Communications Commission ("FCC" or "Commission") Rules and Regulations, 47 C.F.R. § 1.46, respectfully requests that the Commission extend for approximately sixty days the time for filing Comments and Reply Comments in the above-entitled proceeding.<sup>1/</sup> The Commission proposes in the instant Notice to amend the Commission's rules governing licensee eligibility in the Specialized Mobile Radio ("SMR") service and in the commercial 220-222 MHz land mobile services. It also proposes to eliminate the current prohibition on the provision of dispatch service by cellular and other licensees in the Public Mobile Services. Notice ¶ 1.

In support of this request, the following information is provided:

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<sup>1/</sup> Notice of Proposed Rule Making, GN Docket No. 94-90, released August 11, 1994 ("Notice").

## I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interests of what heretofore had been classified as the private carrier industry. The Association's members include trunked and conventional 800 MHz and 900 MHz SMR operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz band. These members provide commercial wireless services throughout the country, and represent the substantial majority of those private carriers whose systems have been reclassified as Commercial Mobile Radio Service ("CMRS").<sup>2/</sup> Because the rule changes under consideration in the instant proceeding, if adopted, would alter fundamentally the regulatory environment in which the Association's members operate, AMTA has a profound interest in the outcome of this proceeding.

## II. DISCUSSION

The instant Notice is responsive, in significant part, to business developments taking place in the burgeoning wireless industry. Those changes are being recognized, and, in some cases, accelerated by, statutory and regulatory actions which are intended to promote vigorous competition in that marketplace. As stated in the Notice:

Given the dynamic changes occurring in the marketplace, we tentatively conclude that our wireline restrictions no longer serve a useful purpose and therefore should be eliminated. Also, in light of recent competitive

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<sup>2/</sup> Second Report and Order, GN Docket No. 93-252, 9 FCC Rcd. 1411 (1994) ("Second Report and Order").

and regulatory developments, we tentatively conclude that the present prohibition against common carrier dispatch service should be modified or eliminated. Notice ¶ 15.

One of the most significant of the changes referenced by the Commission was the 1993 legislation intended to create a new, comprehensive framework for the regulation of all mobile radio services.<sup>3/</sup> The legislation, among other matters, required the FCC to reclassify certain heretofore private land mobile systems as CMRS, and to modify its rules by August 10, 1994, to the extent necessary to create regulatory symmetry among CMRS services deemed substantially similar to one another. Congress also amended the ban on the provision of dispatch service by common carriers, leaving to the Commission the authority to repeal the prohibition in whole or in part.

When completed, these legislative directives are likely to effect a wholesale restructuring of the regulatory environment in which heretofore private carrier systems operate. While the specific matters under consideration in the instant proceeding are significant aspects of this effort, they are only a part of a much broader regulatory reorganization.

These changes are already underway. The Commission has finalized its determination regarding which previously private land mobile systems should be

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<sup>3/</sup> Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(b), 107 Stat. 312, 392 (1993).

reclassified as CMRS.<sup>4/</sup> On August 9, 1994, the agency adopted a Third Report and Order in the next phase of this regulatory undertaking, the substance of which was outlined in a News Release issued on August 10, 1994.<sup>5/</sup> The text of the Commission's decision has not yet been released, and is not expected to be available until sometime during the week of September 5, 1994 at the earliest. However, it is apparent from the News Release that the changes incorporated in that Order are far-reaching. They appear to affect virtually every aspect of the licensing process for all segments of the reclassified private services. The impact of the changes adopted will undoubtedly be significant, but cannot be assessed until the text of the Commission's decision is available. The inter-relationship of those matters with the proposals herein cannot properly be considered until the new regulatory structure itself can be evaluated.

For this reason, AMTA requests that the Commission extend the dates for submitting Comments and Reply Comments in the instant proceeding by approximately sixty days. This will enable the Association and other interested parties to review the FCC's proposals to permit wireline ownership of SMR and commercial 220 MHz systems and to lift the ban on common carrier dispatch in light of the revamped regulatory structure adopted on August 9, 1994. Without knowing what the new regulatory environment will look like, it is impossible to evaluate with any degree of certainty the likely impact of the changes proposed herein.

However, in the interim, the Association also urges the Commission to consider

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<sup>4/</sup> Second Report and Order, *supra*.

<sup>5/</sup> FCC, News Release, Report No. DC-2638, August 9, 1994.

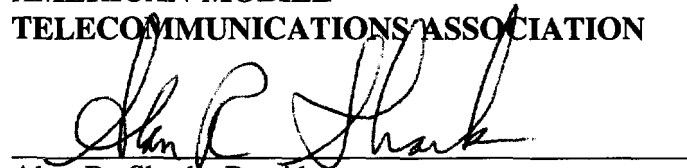
expeditiously the requests for waiver of the wireline prohibition on which the FCC has already solicited comments. Notice ¶¶ 7-10. Most parties, including AMTA, supported generally the waiver requests which were placed on Public Notice earlier this year.<sup>6/</sup> Specifically, AMTA again recommends that the FCC grant the waiver requests on which comments have already been submitted, but that the Commission condition the grants to Cass Cable and API on the outcome of the instant proceeding. Because the FCC presciently developed a record on those requests independent of any rulemaking proceeding, it has the requisite information before it to process them.

FOR THE REASONS DESCRIBED HEREIN, AMTA urges the Commission to extend until October 21, 1994 and November 7, 1994 respectively the Comment and Reply Comment date in the instant proceeding.

Respectfully submitted,

**AMERICAN MOBILE  
TELECOMMUNICATIONS ASSOCIATION**

By:



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<sup>6/</sup> FCC Public Notice No. DA 94-329 (Apr. 12, 1994).

### **CERTIFICATE OF SERVICE**

I, Cheri Skewis, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 6th day of September, 1994, placed in the United States mail, first-class postage pre-paid, a copy of the foregoing Motion for Extension of Time to the following:

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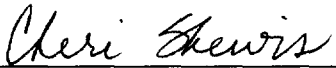
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